

Notice of Allowability

Application No.

10/671,094

Examiner

Amadeus S. Lopez

Applicant(s)

BATHE, DUNCAN P.L.

Art Unit

3743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/25/2003.
2. ☒ The allowed claim(s) is/are 1-2 and 4-18.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 1/22/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 08/02/06
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Henry Bennett
Supervisory Patent Examiner
Group 3708

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Peter Holsen on August 2, 2006.

The application has been amended as follows:

1. Claim 3 is now cancelled.
2. In claim 4, the word "...electro-mechancially..." has been deleted and replaced with -- ...electro-mechanically... --.
3. On page 8 in line 20 of the specification the reference numeral "...24..." has been deleted and replaced with -- ... 26... --.

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance:

The overall combination of an adapter for removably coupling a patient breathing circuit to a ventilator comprising a base with it's particular means for releasably coupling the adapter to the ventilator is neither anticipated nor

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rendered obvious by the prior art of record. The means for releasably coupling the adapter to the ventilator as claimed in independent claims 1 and 16 includes securing the peripheral lip 62 of the base 56 beneath a retaining ledge 88 on the surface 86 of the ventilator 22. "Bottom rim 66 and peripheral lip 68 of the base 56 fits within retaining rim 85 of elastomeric seal 87..." "As the peripheral lip 62 is inserted beneath the ledge 88, keyhole member 72 on the front portion 70 of the base is inserted into slot 90 in the surface 86 of the ventilator. Bar 92 is biased in a closed position by spring 94, and has an angled end surface 73. As keyhole member 72 engages angled end surface 73. As keyhole member 72 fully seats into slot 90, bar 92 is biased back into a closed position by spring 94, such that the angled end surface 73 passes through keyhole member 72. Once closed, the bar 92 and keyhole member 72 coupling secures the adapter base 56 to the ventilator." In the alternative with regards to independent claims 11 and 18, these claims lack the means plus function recitation as stated in claims 1 and 16, but the overall combination of an adapter for removably coupling a patient breathing circuit to a ventilator comprising a base with a lip and keyhole, wherein the lip is received by a ledge on the ventilator and the keyhole is received by a slot in the ventilator, and wherein upon insertion of the keyhole into the slot, a spring –biased bar in the ventilator is cammed open and subsequently biased closed through the keyhole to removably couple the adapter to the ventilator is neither anticipated nor rendered obvious by the prior art of record.

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Conclusion

4. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure. US 5121746, US 5823184, US 4676239, US 4521038, US 5617847, US 6874500, and US 5983896.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amadeus S. Lopez whose telephone number is (571) 272-7937. The examiner can normally be reached on Mon-Fri 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Bennett can be reached on (571) 272-4791. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

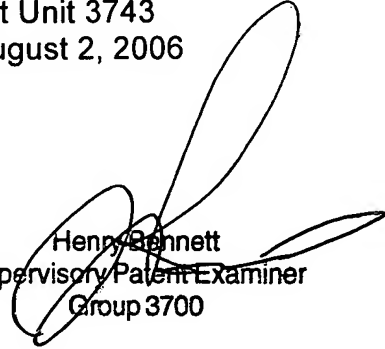
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ASL



Amadeus S Lopez
Examiner
Art Unit 3743
August 2, 2006



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Supervisory Patent Examiner
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